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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

NUTRI PHARMACEUTICALS RESEARCH,  
INC., a Nevada corporation,

Plaintiff,

vs.

STAUBER PERFORMANCE  
INGREDIENTS, INC., a/k/a Stauber, d/b/a  
Stauber California, a Minnesota corporation,

Defendant.

STAUBER PERFORMANCE  
INGREDIENTS, INC., a/k/a Stauber, d/b/a  
Stauber California, a Minnesota corporation,

Counterclaimants,

vs.

NUTRI PHARMACEUTICALS RESEARCH,  
INC., a Nevada corporation,

Counterdefendant.

Case No.: 2:17-cv-02964

**STIPULATION AND ORDER TO**  
**EXTEND DISCOVERY**  
**DEADLINES**  
**(FIRST REQUEST)**

Pursuant to Local Rules 6-1 and 26-4, the parties, by and through their respective counsel of record, hereby stipulate to and request that the Court extend the rebuttal expert disclosure, discovery cut-off, dispositive motion and Pretrial Order deadlines by sixty (60) days. The parties request this extension for the following reasons:

The Complaint was filed on November 30, 2017 (ECF No. 1). The Answer was filed on March 19, 2018 (ECF No. 5). The Joint Discovery Plan was approved by the Court on May 3,

2018 (ECF No. 10).

The current discovery plan contemplates the exchange of expert witness reports on July 16, 2018, the exchange of rebuttal witness reports on August 15, 2018, a discovery cut-off of September 14, 2018, and a dispositive motions deadline of October 15, 2018.

**1. DISCOVERY COMPLETED:**

Both parties have made their Initial Disclosures pursuant to FRCP 26. Defendant made their Initial Expert Disclosure on July 16, 2018. Defendant has noticed the deposition of Plaintiff's witness, Godfrey Yew, for September 4, 2018.

**2. DISCOVERY THAT REMAINS TO BE COMPLETED:**

Defendant will take the deposition of Plaintiff's witness, Godfrey Yew, on September 4, 2018. Defendant intends to supplement their Initial Expert Disclosure with further reports based on the data compiled and reviewed to date. Plaintiff intends to take the deposition of Defendant's designated expert(s) and rebuttal expert(s), if any, and disclose a rebuttal expert report(s).

**3. REASONS WHY DISCOVERY HAS NOT BEEN COMPLETED AND WHY REBUTTAL EXPERT DISCLOSURES AND RELATED DEADLINES SHOULD BE EXTENDED.**

The parties are still in the discovery process. This case involves scientific experts who need additional time to review the materials presented and possibly prepare rebuttal expert reports. Further, once all reports are prepared and disclosed, depositions of said experts will need to be taken by both Defendant and Plaintiff.

In addition, additional time will allow the parties to explore the possibility of settling this matter, without incurring additional expert expenses, if the same can be avoided, or subjecting the parties to any prejudice if settlement cannot be obtained. Counsel are in agreement that modification of all pending dates in the discovery plan is the most reasonable option. Accordingly, the parties have agreed to extend the deadlines to exchange rebuttal expert reports by sixty (60) days and to extend all of the related discovery deadlines in this case, as set forth below:

**4. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:**

The parties have agreed to the following modified deadlines:

**A. Rebuttal expert disclosure date: October 15, 2018** (formerly August 15,

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2018).

**B. Discovery cut-off date: November 13, 2018** (formerly September 14, 2018).

**C. Date for filing dispositive motions: December 13, 2018** (formerly October 15, 2018).

**D. Date for filing Pretrial Order: January 14, 2019** (formerly November 14, 2018) (with date to change if dispositive motions filed).

THEREFORE, the parties stipulate and request that the Court enter an Order approving the proposed discovery schedule set forth above.

**IT IS SO STIPULATED.**

Dated: 8/14/18

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**IT IS SO ORDERED.**

  
United States Magistrate Judge

DATED: August 15, 2018